

Rec'd PCT/PTO 14 FEB 2005

10/524408
Atty. Dkt. No. 016906-0374DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HEAT EXCHANGER

(Attorney Docket No. 016906-0374)

the specification of which (check one)

is attached hereto.

was filed on August 7, 2003 as United States Application Number or PCT International Application Number PCT/EP2003/008778 and was amended on PCT/E 12003/08778 (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear,

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Atty. Dkt. No. 016906-0374

concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|-----------------------------|---------------------|-------------------|--------------------------|
| 102 37 648.4 | Federal Republic of Germany | 13 August 2002 | Yes | |
| | | | | |
| | | | | |

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
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| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | | | |

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Atty. Dkt. No. 016906-0374

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| | | | |

I HEREBY APPOINT the registered attorneys and agents at Customer Number

22428

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Richard L. Schwaab
FOLEY & LARDNER LLP
 Customer Number: 22428

Telephone: (202) 672-5414
 Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|----------------------|--|--------------|
| <u>1-6D</u> | Name of first inventor | Peter GESKES |
| Residence | <u>Stuttgart, Federal Republic of Germany</u> <u>Dex</u> | |
| Citizenship | <u>Federal Republic of Germany</u> ✓ | |
| Post Office Address | <u>Bertholt Brecht Strasse 50</u> <u>Theodor-Rothschild-Strasse 72</u> <u>70469 Stuttgart</u> <u>73760 Ostfildern</u> | |
| Inventor's signature | <u>Jell</u> | |
| Date | <u>2.2.05</u> | |

Atty. Dkt. No. 016906-0374

2-00 Name of second inventorChristoph WALTER

Residence

Stuttgart, Federal Republic of GermanyDEX

Citizenship

Federal Republic of Germany

Post Office Address

Werner-Haas-Weg 3270469 StuttgartFederal Republic of Germany

Inventor's signature

Date

03.02.053-00 Name of third inventorKarl-Heinz STAFFA

Residence

Stuttgart, Federal Republic of GermanyDEX

Citizenship

Federal Republic of Germany

Post Office Address

Balingen Strasse 7970567 StuttgartFederal Republic of Germany

Inventor's signature

Date

03.02.05

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2005
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Declaration and Power of Attorney For Patent Application
Erklärung Für Patentanmeldungen Mit Vollmacht
German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an
 Eides Statt:

dass mein Wohnsitz, meine Postanschrift, und meine
 Staatsangehörigkeit den im Nachstehenden nach meinem
 Namen aufgeführten Angaben entsprechen,

dass ich, nach bestem Wissen der ursprüngliche, erste und
 alleinige Erfinder (falls nachstehend nur ein Name angegeben
 ist) oder ein ursprünglicher, erster und Miterfinder (falls
 nachstehend mehrere Namen aufgeführt sind) des
 Gegenstandes bin, für den dieser Antrag gestellt wird und für
 den ein Patent beantragt wird für die Erfindung mit dem Titel:

HEAT EXCHANGER

deren Beschreibung

(zutreffendes ankreuzen)

 hier beigefügt ist. am August 7, 2003 unter derAnmeldungsseriennummer PCT/EP2003/008778

eingereicht wurde und am abgeändert wurde

(falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich den Inhalt der obigen
 Patentanmeldung einschließlich der Ansprüche durchgesehen
 und verstanden habe, die eventuell durch einen Zusatzantrag
 wie oben erwähnt abgeändert wurde.

Ich erkenne meine Pflicht zur Offenbarung irgendwelcher
 Informationen, die für die Prüfung der vorliegenden
 Anmeldung in Einklang mit Absatz 37, Bundesgesetzbuch,
 Paragraph 1.56(a) von Wichtigkeit sind, an.

Ich beanspruche hiermit ausländische Prioritätsvorteile
 gemäß Abschnitt 35 der Zivilprozeßordnung der Vereinigten
 Staaten, Paragraph 119 aller unten angegebenen
 Auslandsanmeldungen für ein Patent oder eine
 Erfindersurkunde, und habe auch alle Auslandsanmeldungen
 für ein Patent oder eine Erfindersurkunde nachstehend
 gekennzeichnet, die ein Anmeldedatum haben, das vor dem
 Anmeldedatum der Anmeldung liegt, für die Priorität
 beansprucht wird.

My residence, post office address and citizenship are as stated
 below next to my name,

I believe I am the original, first and sole inventor (if only one
 name is listed below) or an original, first and joint inventor (if
 plural names are listed below) of the subject matter which is
 claimed and for which a patent is sought on the invention
 entitled

HEAT EXCHANGER

the specification of which

(check one)

 is attached hereto. was filed on August 7, 2003 asApplication Serial No. PCT/EP2003/008778

and was amended on _____

(if applicable).

I hereby state that I have reviewed and understand the
 contents of the above identified specification, including the
 claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is
 material to the examination of this application in accordance
 with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United
 States Code, §119 of any foreign application(s) for patent or
 inventor's certificate listed below and have also identified
 below any foreign application for patent or inventor's
 certificate having a filing date before that of the application on
 which priority is claimed:

Declaration and Power of Attorney For Patent Application
Erklärung und Vollmacht für Patentanmeldungen Mit Vollmacht
German Language Declaration

Prior foreign applications
Priorität beansprucht

| | |
|---|---|
| <u>102 37 648.4</u> (Number) (Nummer) | <u>Federal Republic of Germany</u> (Country) (Land) |
| <u> </u> (Number) (Nummer) | <u> </u> (Country) (Land) |
| <u> </u> (Number) (Nummer) | <u> </u> (Country) (Land) |

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US-Code, § 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

| | |
|--|---------------------------------------|
| <u>(Application Serial No.)</u> (Anmeldeseriennummer) | <u>(Filing Date)</u> (Anmelddatum) |
|--|---------------------------------------|

Ich beanspruche hiermit gemäss Absatz 35 der Zivilprozeßordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem ersten Paragraphen des Absatzes 35 der Zivilprozeßordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäss Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmelddatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmelddatum dieser Anmeldung bekannt geworden sind.

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| <u>(Application Serial No.)</u> (Anmeldeseriennummer) | <u>(Filing Date)</u> (Anmelddatum) |
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| <u>(Application Serial No.)</u> (Anmeldeseriennummer) | <u>(Filing Date)</u> (Anmelddatum) |
|--|---------------------------------------|

Ich erkläre hiermit, dass alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und dass ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, dass wissenschaftlich und vorsätzlich falsche Angaben gemäss Paragraph 1001, Absatz 18 der Zivilprozeßordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden können, und dass

| | | |
|---|---|-------------------------------------|
| <u>13 August 2002</u> (Day/Month/Year Filed) (Tag/Monat/Jahr eingereicht) | <input checked="" type="checkbox"/> Yes Ja | <input type="checkbox"/> No Nein |
| <u> </u> (Day/Month/Year Filed) (Tag/Monat/Jahr eingereicht) | <input type="checkbox"/> Yes Ja | <input type="checkbox"/> No Nein |
| <u> </u> (Day/Month/Year Filed) (Tag/Monat/Jahr eingereicht) | <input type="checkbox"/> Yes Ja | <input type="checkbox"/> No Nein |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| | |
|--|---------------------------------------|
| <u>(Application Serial No.)</u> (Anmeldeseriennummer) | <u>(Filing Date)</u> (Anmelddatum) |
|--|---------------------------------------|

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | |
|--|--|
| <u>(Status)</u> (patentiert, anhängig, aufgegeben) | <u>(Status)</u> (patented, pending, abandoned) |
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|--|--|
| <u>(Status)</u> (patentiert, anhängig, aufgegeben) | <u>(Status)</u> (patented, pending, abandoned) |
|--|--|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued

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Erklärung Für Patentanmeldungen Mit Vollmacht
German Language Declaration**

derartig wissentlich und vorsätzlich falsche Angaben die Gültigkeit der vorliegenden Patentanmeldung oder eines darauf erteilten Patentes gefährden können.

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich hiermit den nachstehend benannten Patentanwalt (oder die nachstehend benannten Patentanwälte) und/oder Patent-Agenten mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent- und Warenzeichenamt: (Name und

Registrationnummer anführen): CUSTOMER NO. 22428

Pavan K. Agarwal, Reg. No. 40,888; George C. Beck, Reg. No. 38,072; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Beth A. Burrous, Reg. No. 35,087; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Heldhaus, Reg. No. 28,822; Michael D. Kaminski, Reg. No. 32,094; Mary Michelle Kile, Reg. No. 35,217; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Peter G. Mack, Reg. No. 26,001; Stephen B. Macbius, Reg. No. 35,264; Brian J. McNamara, Reg. No. 32,789; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Andrew F. Rawlins, Reg. No. 34,702; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwab, Reg. No. 25,479; Michele M. Simkin, Reg. No. 34,717; Harold C. Wegner, Reg. No. 25,258.

Telefongespräche bitte richten an:

(Name und Telefonnummer)

RICHARD L. SCHWAAB (202) 672-5300

CUSTOMER NO. 22428

Postanschrift: FOLEY & LARDNER LLP
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
CUSTOMER NO. 22428

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number): **CUSTOMER NO. 22428**

Pavan K. Agarwal, Reg. No. 40,888; George C. Beck, Reg. No. 38,072; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Beth A. Burrous, Reg. No. 35,087; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Heldhaus, Reg. No. 28,822; Michael D. Kaminski, Reg. No. 32,094; Mary Michelle Kile, Reg. No. 35,217; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Peter G. Mack, Reg. No. 26,001; Stephen B. Macbius, Reg. No. 35,264; Brian J. McNamara, Reg. No. 32,789; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Andrew F. Rawlins, Reg. No. 34,702; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwab, Reg. No. 25,479; Michele M. Simkin, Reg. No. 34,717; Harold C. Wegner, Reg. No. 25,258.

Direct Telephone calls to:

(Name and telephone number)

RICHARD L. SCHWAAB (202) 672-5300

CUSTOMER NO. 22428

Send Correspondence to: FOLEY & LARDNER LLP
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
CUSTOMER NO. 22428

| | |
|--|--|
| Voller Name des einzigen oder ursprünglichen Erfinders: Peter GESKES <i>Geskes</i> | Full name of sole or first inventor: Peter GESKES <i>Geskes</i> |
| Unterschrift des Erfinders <i>Geskes</i> | Datum 2.2.05 |
| Unterschrift des Erfinders <i>Geskes</i> | Date 2.2.05 |
| Wohnsitz Stuttgart, Federal Republic of Germany | Residence Stuttgart, Federal Republic of Germany |
| Staatsangehörigkeit Federal Republic of Germany | Citizenship Federal Republic of Germany |
| Postanschrift Theodor-Rothschild-Straße 72, 73760 Berthold-Brecht-Straße 50, 70469 Stuttgart Federal Republic of Germany | Post Office Address Theodor-Rothschild-Straße 72, 73760 Berthold-Brecht-Straße 50, 70469 Stuttgart Federal Republic of Germany |
| Voller Name des zweiten Miterfinders (falls zutreffend) Christoph WALTER <i>Walter</i> | Full name of second joint inventor, if any Christoph WALTER <i>Walter</i> |
| Unterschrift des Erfinders <i>Walter</i> | Second Inventor's signature 03.02.05 |
| Unterschrift des Erfinders <i>Walter</i> | Date 03.02.05 |
| Wohnsitz Stuttgart, Federal Republic of Germany | Residence Stuttgart, Federal Republic of Germany |
| Staatsangehörigkeit Federal Republic of Germany | Citizenship Federal Republic of Germany |
| Postanschrift Werner-Haas-Weg 32, 70469 Stuttgart Federal Republic of Germany | Post Office Address Werner-Haas-Weg 32, 70469 Stuttgart Federal Republic of Germany |

(Supply similar information and signature for third and subsequent joint inventors.)

**Declaration and Power of Attorney For Patent Application
Erklärung Für Patentanmeldungen Mit Vollmacht
German Language Declaration**

| | | |
|--|--|--|
| Voller Name des dritten Miterfinders (falls zutreffend): Karl-Heinz STAFFA | | Full name of third joint inventor, if any: Karl-Heinz STAFFA |
| Unterschrift des Erfinders <i>Karl-Heinz Staffa</i> | Datum 03.02.05 | Third inventor's signature <i>Karl-Heinz Staffa</i> |
| Wohnsitz Stuttgart, Federal Republic of Germany | Residence Stuttgart, Federal Republic of Germany | |
| Staatsangehörigkeit Federal Republic of Germany | Citizenship Federal Republic of Germany | |
| Postanschrift Balinger Strasse 79, 70567 Stuttgart Federal Republic of Germany | Post Office Address Balinger Strasse 79, 70567 Stuttgart Federal Republic of Germany | |
| Voller Name des vierten Miterfinders (falls zutreffend): | | Full name of fourth joint inventor, if any: |
| Unterschrift des Erfinders | Datum | Fourth inventor's signature |
| Wohnsitz | Residence | |
| Staatsangehörigkeit | Citizenship | |
| Postanschrift | Post Office Address | |
| Voller Name des fünften Miterfinders (falls zutreffend): | | Full name of fifth joint inventor, if any: |
| Unterschrift des Erfinders | Datum | Fifth inventor's signature |
| Wohnsitz | Residence | |
| Staatsangehörigkeit | Citizenship | |
| Postanschrift | Post Office Address | |
| Voller Name des sechsten Miterfinders (falls zutreffend): | | Full name of sixth joint inventor, if any: |
| Unterschrift des Erfinders | Datum | Sixth inventor's signature |
| Wohnsitz | Residence | |
| Staatsangehörigkeit | Citizenship | |
| Postanschrift | Post Office Address | |

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